

P 48E

App F IX-4
Previous References

1956 57
(Cm)

File No 135 52
Serial Nos 18-

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial Nos

Part B for

SUBJECT

Mathada Chau Basappa v/o 1. Basalingamma and
2. Chagumath Sangameshwarappa regarding -
Permission for construction of - house at Ronchu

GOVERNMENT OF HYDERABAD

LOCAL GOVERNMENT DEPARTMENT

CRUTINY SHEET

1) *Metheda Chan Besagye* Y Pleader *Shri D H Beskumbe*
V/s
Beslag am Y
(*Lopmali Sanganeshwar*) Y Pleader

(2) SUBJECT - *Construction of house*

(3) Appeal petition Y
Revision Y Dated: *12-8-55*
Review Y

(4) Submitted personally/by-post/by pleader/through Agent
Authorised/Not-authorised

(5) Whether the petition is duly stamped. *yes*

(6) Whether the enclosure is duly stamped *yes*

(7) Whether the petition is legible *yes*

(8) Whether the duplicate copy of the petition attached *no*

(9) Is it within the prescribed time *yes*

(10) Whether a certified copy of order
Under Appeal/Revision/Review is attached *yes*

(11) Whether the names of the parties with complete address have been written *yes*

(12) Whether the appeal/revision/review petitioner is entitled to file the petition in the Local Government Department *yes*

Sath
4/9

7 Previous references

x

GOVERNMENT OF HYDERABAD

Local Board DEPARTMENT

File No 65/11A of 1955

Section APPEAL

Subject M. K. Ch. B. S. 74 v/s
Basalingamma & Ch. G. Math Sanga
Per. si. a for construction of house
at Raichur

Notes and Orders

References

Inv. No. 985-225 16-8-55

Revision Petitioner	M. K. Ch. B. S.
Counter Revision Petitioner	1 Basalingamma 2 Ch. G. Math Sangameshwar
SUBJECT	PERMISSION FOR CONSTRUCTION OF HOUSE
Aggrieved by the order of	The Additional Collector, Raichur, (dated 12-5-55)

I U C and its enclosures may please be seen

The facts of the case appear to be that Matha Chan Basayya submitted an application to the President, City Municipality, Raichur, seeking permission for construction Basalingamma and Chogimath Sangameshwar lodged objection petitions that the wall on which construction is sought belongs to them The President, City Municipality, Raichur seems to have rejected the objection petitions and permission for construction was given

Aggrieved by the above decision Basalingamma filed an appeal in the Collectorate Raichur The Additional Collector, Raichur, heard the parties and endorsed on 12th May, 1955, that in cases of permission for construction the question of ownership needs consideration if no objection is filed

from any quarters. Therefore the contention of respondent, ^{Shan Basappa} ~~(Shan Basappa)~~ is worth considerations without getting a decree of ownership from Civil Court in ^{his} ~~the~~ favour as directed to the petitioner (Mathadachan Basayya) in previous cases he once again applied for permission for construction of wall on the disputed property. The Collector further endorsed that both the parties were refused permission for construction in the disputed property previously and were directed to get their ownership decided in the Civil Court. Hence permission for construction should not be given unless the party gets a decree from the Civil Court. The appeal was allowed by the Additional Collector, Raichur.

4 Now dissatisfied with the judgment of the Additional Collector, Raichur, dated the 12th May, 1955, Mathadachan Basayya filed a revision in this Department on the following main grounds -

- 1 That the petitioner had sought permission to construct the wall on the old foundation and the Municipality on being satisfied as to the genuineness of the application had granted it. The learned Collector without reference to the merits of the case has reversed the order in appeal on grounds which are void in law. The appeal itself was time barred.
- 2 That the learned Collector has wrongly assumed that the matter was concluded by the previous judgment of Collector. In fact petitioner's prayer for establishing flour mill was rejected by the Talukdar of Raichur on 14th Jan 1959 F. The petitioner aggrieved by it approached the C.A. who after reviewing all the records had granted the permission on certain conditions. Thus the order of Talukdar referred to by the learned Collector in his appellate judgment had already lost the force of res judicata. Respondents had appealed against this order of Civil Administrator to Ministry of Commerce and Industry but failed.
- 3 That in another connected matter regarding the same house Respondents' objections were overruled by the learned Collector and the same order was upheld by that case Respondents were directed to file a civil suit. This aspect was completely ignored by the lower court.

X
It is Minister's
Order
File (12)

Stitching space

ferences

-Continuation of Notes-

File No

of 19

6055

Scrutiny sheet is completed. The revision is in time. If approved a date will be fixed for preliminary hearing.

Letter 6/9/55 *will be a date for preliminary hearing for admission*

done
6/9/55

Nov 12, 1955 is fixed for preliminary hearing
inform petition

done
11/12/55
AS

Nov 12, 1955

File put up Dec 6 after affected engagement with M.L.G. could not hear case. It is therefore adjourned to Dec 10, 1955. Petitioner should get information himself.

done
12/6/55

Dec 10, 1955

'File put up' Dec 10, 1955, information M.L.G. could not hear case. It is therefore adjourned to Dec 27, 1955. Petitioner should get information himself.

done
12/10/55

Dec 27, 1955

File put up. M.L.G. is not here. The case is therefore adjourned to Jan 10, 1956. Petitioner should get information himself.

done
1/10/56
AS

Para
numbers

—Continuation of Notes—

File No 37/28 of 1955-56

References

Stitching space

10th January 1956.

The learned Advocate for the petitioner contends that the question of res judicata was raised for the first time in the appellate court where there was no opportunity for producing any evidence. In regard to the order passed by the Civil Administrator if at all there is any question of res judicata, it is in favour of his client. As the matter goes to the very root of jurisdiction, let this petition be admitted. Issue notice to the other side. Send for the records.

[Signature]
(Gopal Rao Ekbote)
Minister for Local Govt.

11th Feb 1956 is fixed for regular hearing of the case. Files of lower courts should be called for 2 from parties.

13/1/56

[Signature]
A.S.

13/1/56

[Signature]

*Letter no 11933 dated 19-1-56 to the collector
Ch. Ranchur*

*Letter no 11934 dated 19-1-56 to the President
Ch. Ranchur*

*Letter no 11938 dated 19-1-56 to the Tehsil
Ranchur*

Sitching space

References

-Continuation of Notes-

Fil No of 195

Inward No 325 dt 8-2-56Inward No 317 dt 8-2-56

As desired in our letters
No 11934 & 11933, the Collector (P.G. Sec)
Ranchur and the President, C M
Ranchur have sent the ~~set~~ relevant
files bearing Nos 140/17/54 and
9/24/55

May be filed for the present

[Signature] 9/2/56
yes
[Signature] 9/2/56

Feb 11, 1956

F L P. The served summons is under
issue fresh summons The case is adjourned
1-31st March 1956 The return further
should get - further himself

[Signature]
AS 1/1/56

Inward no 339 dt 15-2-56 The Tribunal
Re Lr

The Tribunal Ranchur has forwarded
the served summons in 8-1-56 as has
stated that the summons addressed to Ranchur
has been offered to him & over
himself to file

[Signature] 17-2-56 File issue fresh summons
as directed - para above

[Signature]
16-2-56

Para
numbers

—Continuation of Notes—

File No 37/25 of 1955

References

Stitching space

23

Summons received for signature
17/2/56 P1 issue
Bella
17/2/56

24

Letter No 16377 dt 17-2-56 to the Tahsildar
Rachur

25

Enward No 407 dt 12-3-56

26

An served Summons has
been received from the Tahsildar
Rachur, may be filed for the
present

27

13/3/56 P1 file
Bella
14/3/56

28

Enward No 423 dt 16-3-56

29

PUC is an application
from the Petitioner, it is
stated that the relevant
files from record room may
be called before the time of
argument of the case

30

But this office is already
in the possession of the relevant
files from the concerned
Collector, & the President.

31

So the Petition may be
filed for the present
P1 call for files from the
Record room & H.

Sketching space

References

-Continuation of Notes-

File No 57/15014 S-41

Para
umbers

Concerned files are placed below

32

1.2.2
20.3.56

The revision petitioner has requested to call for the files no 302/24 of 50 and 43/11 B of 54 from the Records Room and they are reqd for reference at the time of arguments. The reqd files have been called for and placed below Slips A and B. They will be submitted on the date fixed for hearing (21-3-56)

33

Balla
20.3.56

YH

C.M.

33

March 31, 1956

Copy of the file is on file for the case is adjourned to 28th April 1956 Parties should fall upon their own shoulders

34

C.M.
AS

April 3 1956

File put to D.A. to file different arguments. He has said that he is not ready to go to court and to June 2, 1956. Parties should be warned in time.

35-

C.M.
AS

Para
numbers

—Continuation of Notes—

File No

of 195

References

Stitching space

36 June 12, 1957-

File put up As requested by the
advocate the case is adjourned to
July 3, 1958 Parties should get information
themselves

comp
A S

37 July 3, 1956

File put up Due to other official
engagement M. L. G. could not hear
case & is therefore adjourned to Aug 4, 1958
Parties should get information themselves

comp
A S

38 Aug 4, 1958

File put up M L G is out of station
the case is therefore adjourned to Aug 14, 1958
Parties should get information themselves

comp
A S

39 Aug 14, 1958

File put up Due to Assembly Session
M L G could not hear case & is therefore
adjourned to Sep 11, 1958 Parties should
get information themselves-

comp
A S

40

comp
A S

Previous
references

GOVERNMENT OF HYDERABAD
LOCAL GOVERNMENT DEPARTMENT

File No 37/25/55-56 of 195

Section (A P P E A L S)

(6)
Subject MATHADA CHAN BASAYYA
v/s
1 BASALINGAMMA & 2 CHAGIMATH SANGAMESHWAR
REGARDING
CONSTRUCTION OF A HOUSE

Notes and Orders

References

Revision petitioner : Mathada Chan Basayya
Counter " " : 1 Baslingamma and
2 Chagimath Sangameshwar.
Subject Construction of house
Aggrieved by the order of the P A to the Collector,
Raichur (dated 12-5-1955).

F A C T S

30 8 54

12 10 54

The facts of the case are that Mathda Chan Basayya submitted an application to the President City Municipality Raichur on 30-8-1954 seeking permission for the construction of a dilapidated wall of the Math bearing No 471/11 situated at Bistwarpeth on ~~18-8-1954~~ Math Sangameshwar and Baslingamma lodged an objection petition on 12-10-1954 stating that Math Chan Basayya has no concern with the Math Previously he had applied seeking permission for the construction but on receipt of their objection petition he was directed to approach the Civil Court He cannot be given permission as resjudicata operates

Parties were called for The Executive Officer after hearing their arguments endorsed on 18-11-1954 that the petitioner should not be

18 11 54

Para
numbers

File No

References

Stitching space

deputed from
~~derived~~ the construction of the wall of the
Math merely on the basis that some objection has
been ~~filed~~ *lodged*. The petition can be postponed till such
time as the objector establishes his claim in the
Civil Court for which a period of two months
will be given. After the expiry of this period if the
matter is not decided by the Court the Municipality
will be at liberty to decide the same on the
merits of the case.

Note
This was not
confirmed by the
President, C.M.
8/6

46 Subsequently Baslingamma and Sangameshwar
represented to the President, City Municipality
to decide the case with reference to file No. 72/17
of 1359 Fasli and after hearing their arguments.
On this the president City Municipality endorsed
on 30-11-1954 that at two different occasions both
the parties were informed that whoever brings a
decree of ownership from the Court will be accepted
as owner, but none of them has done so. He, there-
fore, advised the Executive Officer to consider the
case in the light of his observations. The Execu-
tive Officer endorsed on 20-12-1954 that he had
decided the case and the parties have been informed
and ordered to close the case.

30 11 54

20 12 54

47 Baslingamma and Math Sangameshwar dis-
satisfied with the above decision filed an appeal
in the Collectorate Raichur. The P. A. to the
Collector after hearing the arguments endorsed on
12-5-1955 that without getting decree of ownership
from the Civil Court in his favour as directed to
him in the previous cases the respondent has once
again applied for permission of construction of a
wall, on the disputed property. The lower court
has erred in not taking into account the decision
taken in the previous cases. The issue which has
been decided more than once previously cannot be

12 5 55

ignored....,

Stitching space

References

—Continuation of Notes—

File No of 195

Page
Number

ignored in this manner. Both the parties were refused permission for construction on the disputed property previously and were directed to get their ownership decided in the Civil Court. The P A to the Collector added that permission for construction should not be given unless the party seeking permission gets a decree of ownership from the Court in his favour. He thus allowed the appeal.

Mathda Chan Basayya dissatisfied with the above Judgment has approached the Government in revision on the following main grounds:

- 1 That the petitioner had sought permission to construct the wall on the old foundation and the Municipality on being satisfied as to the genuineness of the application had granted it. The learned Collector without reference to the merits of the case has reversed the order in appeal on grounds which are void in law. The appeal itself was time-barred.
- 2 That the learned Collector has wrongly assumed that the matter was concluded by the previous Judgment of Collector. In fact petitioner's prayer for establishing flour mill was rejected by the Talukdar of Raichur on 14th Dal, 1359F. The petitioner aggrieved by it approached the C A who after reviewing all the records had granted the permission on certain conditions. Thus the order of Talukdar referred to by the learned Collector in his appellate judgment had already lost the force of resjudicata. Respondents had appealed against this order of Civil Administrator to Ministry of Commerce and Industry but failed.

(Contd/ ,)

3 That in another connected matter regarding the same house Respondents' objections were over-ruled by the learned Collector and the same order was upheld by the Hon'ble Minister for Local Self Government. In that case Respondents were directed to file a civil suit. This aspect was completely ignored by the lower court.

That questions of title has nothing to do with the permission for construction.

It is, therefore, prayed that revision be allowed, Collector's order be set aside and that of the original court be restored.

30/5.

Bella
51552

cm
26/1/76

49

3rd October 1956

I have heard the learned Advocates for the parties. The facts necessary for the disposal of this case are that the petitioner filed an application seeking permission to construct a wall on the land in dispute. The Executive Officer of the City Municipality, Raichur, after hearing the parties directed the objection petitioner i.e. the respondent, to obtain a civil court decree within two months' time and postponed the question of granting permission. Aggrieved by this order of the Executive Officer, the respondent went in appeal before the Collector. The Collector through his order dated 12th May 1955 decided that when the question of title is challenged and inasmuch as on two previous occasions

both the parties were directed to get a declaratory decree in their favour, it will not be correct to direct ~~one~~ particular party to go to Civil Court. He, therefore, directed the petitioner to approach the Civil Court in order to get his title decided finally. Not satisfied with this order of the Collector, the petitioner has come before me in revision. The main contention advanced before me ~~is~~ is that the nature of construction materially differs and therefore the two previous orders cannot be said to be a bar for granting him the permission. The present petition should, therefore, be considered on merits and as there is a prima facie case regarding the petitioner's title he should be permitted to construct the wall on the land in question. I am sorry, I cannot agree with this contention. I have gone through the previous orders passed by the Minister and the Collector. In both these orders, both the parties were directed to approach the Civil Court in order to get their title finally decided. Though the first case related to the construction of a gate and the other related to the erection of a flour mill, it hardly makes any difference as far as the question of title is concerned. In all the three cases the substantial question is of title of the parties in relation to the land in dispute. There is, therefore, no reason to permit the petitioner merely because another type of construction is now sought. The Executive Officer who passed the original order had no jurisdiction to pass such order.

Para
numbers

—Continuation of Notes—

File No

of 193

References

Stitching space

It is evident from the record that the President of the City Municipality, Raichur, did not hear the parties nor confirmed the order. The appeal, therefore, against the order passed by the Executive Officer who was not competent becomes superfluous. Having declared both the orders of the Collector and the Executive Officer as invalid, the only course which was normally left was to send back the case to the City Municipality, Raichur, for disposal. I was very much inclined to do so, but for the two previous orders which clearly indicate that the parties should get their titles decided finally by the Civil Court, I do not think any useful purpose will be served in remitting the case to the City Municipality. The parties should, therefore, be directed, as in the previous cases, to get their title decided in the Civil Court. The Municipality can consider the application from any of the parties for construction only after the main question of title is decided by a competent court of law. I, therefore, allow the revision petition, set aside the orders of both the offices below and decide as above.

(Gopal Rao Ekbote)
Minister for Local Govt

50

Draft for approval
Jalla
8/10/35

Letter no 773 7/35 d.t. 18-10-35 6/14/35
Collector Lg Raichur & issued order



Serial
No

2 No 625/A/27 10 56 from the collector
Ranchur acknowledges the receipt of the file
The collector Ranchur has acknowledged the
receipt of the file sent to him with the exd
259 letter at flag H

2) The revision petition filed by Mathappa
Channabassaya has been finally disposed off
the judgment pronounced ^{the case} now has
to be closed & recorded

3) However since the subject matter
comes under the purview of municipal
branch, the collection & the receipt under
note may be made over to them

17/11/57

4) Transferred to Mr RS

AS
17/11/57

RS 25/1/57

~~ML-AQ~~
(city)

5) No further action is necessary in
view of the final order already
communicated in this appeal case
(flag H) and the collector's letter is
only for acknowledging the records
sent to him in this case This may be
filed and recorded

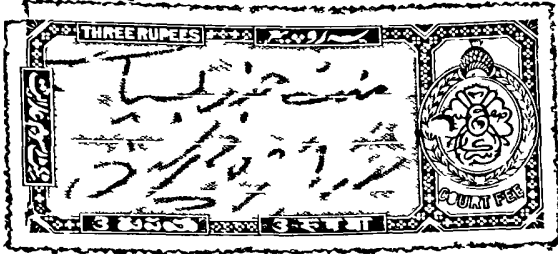
29/1/57

h 3/1

MC
17/2

B Record
13/1/57

In the Office of the Minister of Local Self Government,
Hyderabad-Deccan



Mathada Chan Basayya s/o Sidda Basaya, Caste Jangam
age 60 years, occupation Business,
resident of Raichur

VERSUS

- (1) Basalingamma w/o Adivayya, Caste Jangam, age 65 years,
Occupation Household, resident of
Bestiwarpet, Raichur
- (2) Chagimath Samgameshwar s/o Chana Basayya, age 30 years,
Occupation private servant, resident
of Bestiwarpet, Raichur

The petitioner aggrieved by the order of the Collector
dated 12-5-1955 and humbly submits t his revision petition
on the following grounds -

That the order of the Collector is against law
and facts
That the petitioner had sought permission to construe
the wall on the old foundation and the Municipality
on being satisfied as to the genuineness of the
application had granted it The learned Collector
without reference to the merits of the case has
reversed the order in appeal on grounds which are
void in law The appeal itself was time barred
That the learned Collector has wrongly assumed that
the matter was concluded by the previous judgement of
Collector In fact petitioner's prayer for establish
ing flour mill was rejected by the Talukdar of Raichu
on 14th Dai 1359 F The petitioner aggrieved by it
approached the C A who after reviewing all the
records had granted the permission on certain condi-
tions Thus the order of Talukdar referred to by the
learned Collector in his appellation judgement had
already lost the force of resjudicata Respondents
had appealed against this order of Civil Administrato
to Ministry of Commerce and Industry but failed
That in another connected matter regarding the same
house Respondents objections were over-ruled by the
learned Collector and the same order was upheld by
the Hon'ble Minister for Local Self Government In
that case Respondents were directed to file a civil
suit This aspect was completely ignored by the
lower court
That questions of title has nothing to do with the
permission for construction
It is, therefore, prayed
that revision be allowed, Collector's order be
set aside and that of the original court be restored

Dated 12th August, 1955
Through

PETITIONER

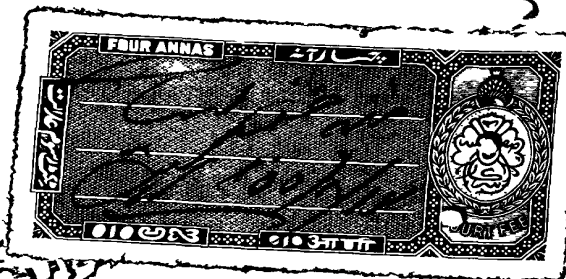
Matha Chan Basayya -

Through

pl put up
Zakumane
12/8/55

965
16/8

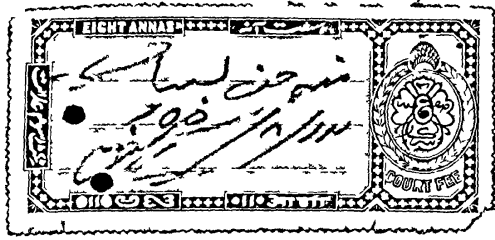
کتابخانه عمومی مسجد جامع تبریز



O R D E R

with 1806500000 and 2000000000
the above 27/5

I do not understand that under what provision of law the counsel of the respondent says that the present case has no connection what so ever with the previous cases. The decision of the

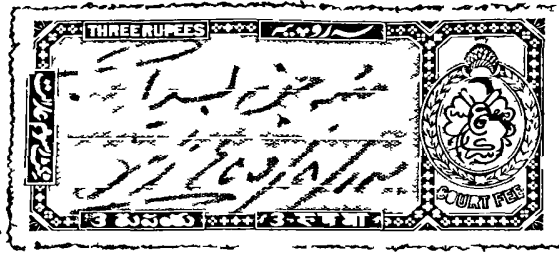


Collector D/-13 3 54, referred to above is not enclosed in the file. In cases of permission for construction the question of ownership does needs consideration if any objection is raised from any quarters. Hence the points raised by the counsel of the respondent deserves no consideration. The counsel of the appellant while submitting objection petition in the lower court in the present case has given references of the previous cases, where in the respondent's applications for permission of construction were rejected and he was directed to approach the civil court. The lower court did not give any thought over this aspect. From the records now produced by the appellant it is evident that the respondent had previously applied twice for permission of construction on this disputed property, once for construction of a gate and another for erection of a flour mill. In the former case which went up to the Govt. and Local Dept. the permission was refused and the disputing parties were directed to get their right of ownership decided in the civil court. In the later case, the Collector refusing permission for erection of a flour mill directed the respondent to approach the civil court and get a decree of ownership and his favour consequently on the basis of the decision taken in the cases referred to above. Final orders were issued to the respondent for seeking redress in the civil court.

Without getting a decree of ownership from the civil court in the favour as directed to him in the previous cases, the respondent has once again applied for permission of construction of a wall on the disputed property. The lower court has erred in not taking into account the decision taken in the previous cases. The issue which has been decided more than once previously cannot be ignored in this manner. Both the parties were refused permission for construction in the disputed property previously and were directed to get their right of ownership decided in the civil court. Hence the permission for construction should not be given unless the party seeking permission gets a decree of ownership from the civil court in his favour. Appeal is therefore allowed.

Sd/- Sri Madan Singh, B.A.,
P. & to Collector Raichur
D/-12 5 55

Sd/- Sri Sham Rao,
Advocate
Sd/- Sri Narayan Rao V Talikot,
Advocate



In The COURT Of Ministry Local Self Govt-
OFFICE

Suit
Appeal No of 195
Petition

Plaintiff Natla chandrasaya
Appellant
Petitioner
Complainant

Defendant
Respondent Basiramma and others
Accused

VERSUS

CLAIM/CHARGE

VAKALATHNAMA

I/We Natla chandrasaya

above named by hereby appoint and retain you D N Deshmukh
Jayant Arjun Advoca Advoca
A. S. Kulkarni Advoca

to appear for me/us in the above case and conduct and prose ute or defend or compromise the same and all proceedings that may be taken in respect of any application for execution of decree or order passed therein

I/We also empower you to appear in all miscellaneous proceedings in the above case till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any monies that might be payable to me/us

I/We further empower you to appear in all or any appeals petitions filed in any court of appeal reference or revision with regard to the said case and in general to do all legal and necessary business and I/We hereby agree to ratify and confirm all your acts and admissions within the premises

In witness hereof I/We have hereunto set my/our hand this the

day of

195

Clients Signature

Natla chandrasaya

D N Deshmukh
DUE EXECUTION CERTIFIED
AND ACCEPTED HE

Vakil High Court

2/11/55

YAK / LITHUANIA

محکومہ نسیم محلہ عالیہ عدالت (۱) مورخہ ۲۹ کبر سنہ ۱۳۸۰

۱۲۰۱۷۷ Local Self Govt عدالت
روزنامہ طلباء

نمبر عدد ()

سہ ۱۳ و رجسٹر نمبر

Baslingam نام Platha Chabassay مدعی
۳۱۷۳

تاریخ ادخال	نام فریور ادل کسندہ طلباء	عرض ادخال	مقام وصل شکستہ و مسوحتی شکستہ طلباء
۱	۲	۳	۴
۱۲/۵/۸۰	Platha Chabassay	Two summe	one of R. J. for for



ANNEXURE 'A'

APPLICATION FORM FOR BICYCLE ADVANCE.

1. Name of the applicant.
2. Office in which serving.
3. Post held at present.
4. Age and length of service.
5. Whether the appointment is
tempora permanent?
6. Date of compulsory or
optional retirement from
service.
7. Basic pay exclusive of
allowances.
8. Whether applicant owns at
present any bicycle?
9. Prior to this was any bicycl
loan sanctioned? If so stat

Dr. 15 F no 37/28/52

GOVERNMENT OF HYDERABAD

No 11933, 11935
FROM

DATED 19/1/56

671

The Secretary to Government,
Local Government Department,
HYDERABAD-Deccan

TO

The Collector (Local Government Branch),
Mir-Majlis, District-Board/Municipal-Committee

SUBJECT:- Malade Ch. B. Sayy. 4/1 Beshingane &
2 Chaga Malh Sengmethur nag permission for
Sir, C. H. Ch. B. Sayy. 4/1 Beshingane &

Aggrieved by your order dated 12-5-1952, 1/24/52

Malade Ch. B. Sayy. 4/1 Beshingane

has filed an appeal revision petition which has been admitted
and 11/1/56 Feb 1956, has been fixed for hearing I, therefore,
request you kindly to send the relevant file with your refutation
before the date of hearing. A copy of the petition is enclosed
2 execution of the
It is further added that the order under appeal
revision be withheld till the case is finally decided..

Yours faithfully,

ASSISTANT SECRETARY

Copy forwarded to the Mir-Majlis, City Municipality,
together with stamp of annas 1/4 for information and with a
request to kindly send the relevant file of his office before the
date fixed for hearing

MAQ 14 4 52 1/2 forwarded to the Tehsildar Raichur 1/2
with 8 annexes duplicate addressed to Beshingane &
this with a request to return a copy of it after
service before the date fixed for hearing

13/1/56 1/24/52

1/2 S (2)

25 55 56 Hrs, 2008
GOVERNMENT OF HYDERABAD
No 9/34/55/ 2908 Dated 1-2- 1956

GOVERNMENT OF HYDERABAD
LOCAL GOVERNMENT DEPARTMENT
HYDERABAD (Deccan)
SUBJECT: - - - - -
To Besting and W. Adevayya, caste Jandam n. Jandam
cheg. Mah. sangmeshwar / ch. in Bis. yg. }
Caste Jandam (30) hand, Jandam S. Jandam }
Take notice that, an appeal / a revision / a review from the
order of the collector / a ch. }
in this case has been presented by M. V. Chakrabarti
and registered in this Department and that the 11th Feb
1956, 2-30 P M has been fixed for the hearing

If no appearance is made on your behalf by yourself, your
pleader or by someone by law authorised to act for you in this case,
it will be heard and decided in your absence
Duplicate copy of this summons be returned duly signed in
token of receipt

M. V. Chakrabarti
SUPERINTENDENT,
LOCAL GOVERNMENT DEPARTMENT

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37/25/55-50
GOVERNMENT OF HYDERABAD

Dated 6 2 - 56 195

No 7

37/25/55-50, new receipt
25

GOVERNMENT OF HYDERABAD

No 9/24/55/ 2908 Dat d 1-2- 1956

FROM Collector's Office (L G Section),
R a i c h u r

To

 The Secretary,
Local Govt Dept, Hyderabad-Dn

SUBJECT - Mathada Chan Basayya V/s 1 Basalingamma
2 Chagimath Sangameshwar regarding ~~tax~~
permission for construction of house at
Raichur

SIR,

With reference to your letter No 11933
dated 19-1-1956, I have to forward herewith this office
file bearing No 9/24/1955

Kindly acknowledge the receipt of the same
early

Yours faithfully,



Assistant Local Govt

24/1/56

Encl (File No 9/24/55)

KJ M

2-2

37/25755-56

GOVERNMENT OF HYDERABAD

Dated 6-2-56 195

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The Secretary to Govt

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YOUR OFFICE LETTER O 11934 D/ 19-1-5

at

I have force to take above the word
letter and enclose it with the relevant
file of 10/7/54 of the source
and we will be able to see it

Yours faithfully

- *S. A. M. L. A.*
 Ci - *active Criminal* 4/2
murder abt 1940

| | |
|----------------------------|-----------|
| Local Govt. Dept. Hgd - Dn | |
| INWARD | No. 312 |
| OUTWARD | |
| Date ---- | 8/2-11952 |

1960 Feb
29/1/56
GOVERNMENT OF HYDERABAD

GP-053295 8 1 55 28 000

GOVERNMENT OF HYDERABAD

No 2936
FROM

DATED 1-2-1956

D J Kanitkar B-6
Tahsil dar Raichur

To the Secretary to Govt
Legal Govt Dept Hyderabad

SUBJECT - Maltade chavhassager V/S Baslingamma &
Sangameshwar - sentence of summons
SIR Ref - your letter dated 11/9/55/37/25/55-56 dt 12-1-56

I have the honour to state that out of (2) notices one has been served on the name of SM Sangameshwar and the other was affixed at the house of Baslingamma the respondent, who is out of station the appeal petition together with govt. are returned herewith

Encl - (2)

H N Patil
Tahsil dar Raichur

HIDE & D DECCA
Maid L-15897 J. Beshyana
SUBJECT: N/S - [unclear] vng farm st
for end brother

TO: Bestigmann / Rader yya
enke den yan enj la hove hots
was dng al Best wriet Rader
Rader

The collector *Rancher*
in this case has been presented by
Melinda Chen Bessie
that *the* and registered in this
Department and that the *11/15 Feb*

195 (has been fixed for the hearing
If no appearance is made on your
behalf by yourself, your pleader or
by someone by law authorised to act
for you in this case, it will be
heard and decided in your absence

Duplicate copy of this summons be
returned duly signed in token of
receipt

A9781616-1-100

Mr. Keelehan
SUPERINTENDENT,
LOCAL GOVERNMENT DEPARTMENT

Dr. J. K.

GOVERNMENT OF HYDERABAD
LOCAL GOVT DEPARTMENT HYD-D

Subject _____

To _____

Take notice that an appeal/a revision/ a review from the order of the Commissioner in this case has been presented by Mr. B. S. Rao and registered in this Department and that the 31st March 1956, has been fixed for the hearing

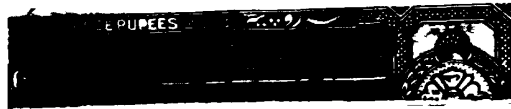
If no appearance is made on your behalf by yourself, your pleader or by someone by law authorised to act for you in this case it will be heard and decided in your absence

Duplicate copy of this summons be returned duly signed in token of receipt

S. K. Rao
SUPERINTENDENT,
Local Government Department
Hyd'bad-Dn

CL/2/2/56

۱- حضرت علی (ع) فرمودند
 اَللّٰهُمَّ اِنِّیْ اَسْأَلُکَ
 اَلْاِسْمَ الْعَظِیْمَ الَّذِیْ
 عَلَیْهِ سُلْطٰنُکَ یٰ اَسْمٰوٰتِ
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CP-US3295 8 / 5 2

$\frac{37}{25}$ 58-56

GOVERNMENT OF HYDERABAD

No 3162

DATED 28/2/1956

FROM

B S Kamath B.Sc

Tahsil Raichur

TO

Secy Secretary to Govt

Local Govt Dept Hyderabad

SUBJECT Seizure of Summons

Reb - your letter no 16377 dt 17-2-56

SIR

I have the honor to state that the

duplicate copy of the notice is sent herewith

duly served on the party concerned

1/16 Jals 28/2
J. Tahsil Raichur

End -- (1)

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Dr. 11

GOVERNMENT OF HYDRABAD
NO 16377 Dated *22/9/56*
FROM THE SECRETARY TO GOVERNMENT,
LOCAL GOVERNMENT DEPARTMENT,
HYDERABAD DECCAN
To The Tehsildar,
Taluk, *R*

SUBJECT - *Mandala B S 74-46*
eloge N a sangharsh Baskhan
of Kumbha Kumbha

Sir,
While enclosing summons/intima-
tion in duplicate addressed to

Baskhan
you are requested kindly to return
one copy of the same duly served
in token of his receipt before
21/9/56 1956

Yours faithfully,

J. K. 17/9/56
for ASSISTANT SECRETARY

Y M 26 3 53

GOVERNMENT OF HYDERABAD
LOCAL GOVT DEPARTMENT, HYD-5 F

Subject - Mulla de Ch Basay, / Basayga - 5 chya m n
S. S. Mahabiray Parashurama la cast & chya ch Basay

To Basayga m n / 42 v / chya chya - age 65 yrs
200, 12 Harebell m n had of the ch Basayga - the ch

2230
23/2/56

Take notice that an appeal/a revision/ a-review from the order of the ch in a m in this case has been presented by the ch in a m and registered in this Department and that the 31st Mar 1956, has been fixed for the hearing

If no appearance is made on your behalf by yourself, your pleader or by someone by law authorised to act for you in this case it will be heard and decided in your absence. Copy of the

Duplicate copy of this summons be returned duly signed in token of receipt

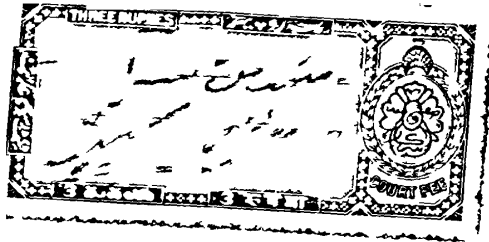
Basayga

SUPERINTENDENT,

Local Government Department
Hyd'bad-Dn

CL/2/2/56

hbl
12/2



In the Court of Hon'ble Member for Local
Self Govt

no. $\frac{37}{25}$ of 1953-

State for 1st time
no 31356 Mut Lhasasappa

v. Rev
Basalingamma
Sottu

For
no 2

as connected with

11/12 The State ex props -

That a connected & relevant
file. kept in the record room of
this Dept. (1) $\frac{302}{24}$ of 1950. Record
Room no 253 of 1952 (2) $\frac{43}{A}$ of 1954
Record no 20911054 are referred
for reference at the time of argument

It is therefore prayed that the
above files be called

D/ 15 3 56

Therese
Dm

Pat. Hingis

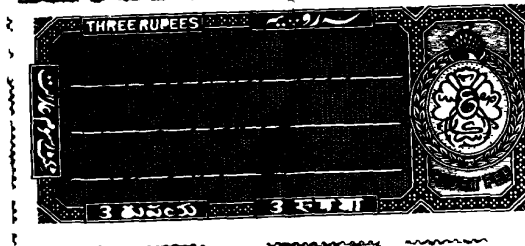
IN THE COURT OF

Suit No

of 195

Branch

Before the Hon-ble Minister for Local Self Government



File
and
3/11/16

CLAIM/CHARGE

Plaintiff - Mathad Chaudhary
Appellant
Complainant

Versus

Defendant - Baslungamma
Respondent
Accused and others

I/We

construction of
a house wall

above named do hereby appoint and retain you

Su - Sumanabharaya Dewara B A L-67
Jagdishan Advocaes

to appear for me/us in the above case and conduct and prosecute or defend and to compromise or to confess and admit or to deny the same and all proceedings that may be taken in respect of any application for execution of decree or order passed therein

I/We also empower you to appear in all miscellaneous proceedings in the above case till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and receive any monies or goods that might be payable to me/us

I/We further empower you to appear in all or any appeals petitions filed in any court of appeal reference or revision with regard to the said case and in general to do all legal and necessary business and I/We hereby agree to ratify and confirm all your acts and admissions within the premises

In witness hereof I/We have hereunto set my/our hand this

the --- day of --- 3-1-1956 ---

Clients Signature

مہدھار دھارا دھارا
دھارا دھارا دھارا
دھارا دھارا دھارا

DUE EXECUTION CERTIFIED
AND ACCEPTED

Advocate

Jagdishan Advocaes
Jagdishan Advocaes

GOVERNMENT OF HYDERABAD
NO 7737/38 DATED 18/10
FROM THE SECRETARY TO GOVERNMENT
LOCAL GOVERNMENT DEPARTMENT
HYDERABAD DECC
TO The Collector/President
District

(16) Raichur
SUBJECT - Mathada Chav Bezay,
15 Beshugama and 2 Chaga this
Samsamastha in construction of law
Sir,

With reference to your letter
No 2908 dated 1.2.56
am directed to forward a copy of
Judgment No 20 dated 3.10.56
for compliance. The file of your
office bearing No 9/24 of 55 is
also returned. Kindly acknowledge
receipt of the file at an early
date.

Yours faithfully,

ASSISTANT SECRETARY
Dated

Copy together with a copy of the
above mentioned judgment forwarded
to the President of Raichur Municipality
Raichur with view for compliance. The
file of his office bearing No
140/17 of 54 is also returned.
Receipt of the file may kindly be
acknowledged at an early date.

8.1.56 ASSISTANT SECRETARY
Y H 26 2 53
6 hrs letter No 7 of 26 2 56

Ex

Order of Lt. Colonel
Local Govt Dept
Dated 3 10 56

Revenue Settlement - Mathada Chav Desaiyya
Criminal revenue settlement - 1 Basuramma and
2 Chag Hett Sangmeshtman
Subject - Construction of house
Approved by the order of (Re P.D.G. 15 Collector Haveran

Each

The facts of the case - (paras 44-48) -- and
that of the original court be restored

The case was admitted M.L.G. heard it and
delivered the following judgment

Judgment

I have heard (para 49) -- both the
officers below and decide as above

Sd/-
M.L.G.

Attested


J.S. I-G

Sd/-
8 10 56

Properties of the Union Government which are exempt from the payment of the Property Tax should be allowed to be taxed by the local bodies.

RESOLUTION No.5

This Conference feels that on the analogy of the imposition of property taxes on buildings belonging to the State Government, the property tax on the Central Government Buildings including the Railways should be paid to the local Authorities and, therefore, would request the State Government to move the Union Government in this behalf and also to amend Article 235 of the Constitution of India, if necessary.

Reduction of minimum charges for electricity supply to Industrial Housing Scheme

RESOLUTION No. 6

This Conference emphatically request the Government in general and the Minister Public Works Department in particular to reconsider the minimum charges for the supply of electricity and water charges to the Industrial Labour Houses in Hyderabad and Secunderabad and the concerned Municipalities in the districts for water supply.

To explore the possibilities of increasing the non-tax revenues of local bodies.

RESOLUTION No. 7

This Conference feels that these public services should be taken over by the Corporations and the Municipalities. But before they do so, they may examine carefully the income and expenditure on these services as they stand today. If they find that they can manage without effecting the present finances of the Municipalities they may request the Government to transfer the management to them in such cases.

LOCAL GOVERNMENT DEPARTMENT
HYDERABAD DECCAN

Dated 3-10-1956

No (20)

REVISION PETITIONER

Pathada Chan Basayya

COUNTER REVISION PETITIONER

1 Baslingamma and
2 Chaginath Sangameshwar

SUBJECT -

CONSTRUCTION OF A HOUSE

AGGRIEVED BY
THE ORDER OF

The P A to the Collector Raichur
dated 12 5 1955

F A C T S

The facts of the case are that Pathada Chan Basayya submitted an application to the President City Municipality Raichur on 30.8 1954 seeking permission for the construction of a dilapidated wall of the Path bearing No 471/11 situated at Bistwarpeth Path Sangameshwar and Baslingamma lodged an objection petition on 12 10 1954 stating that Path Chan Bassaya has no concern with the Path. Previously he had applied seeking permission for the construction but on receipt of their objection petition he was directed to approach the civil Court. He cannot be given permission as resjudicata operates.

Parties were called for. The Executive Officer after hearing their arguments endorsed on 18 11 1954 that the petitioner should not be ~~deprived~~ deprived for the construction of the wall of the Path merely on the basis that some objection has been lodged. The petition can be postponed till such time as the objector establishes his claim in the Civil Court for which a period of two months will be given. After the expiry of this period if the matter is not decided by the Court the Municipality will be at liberty to decide the same on the merits of the case.

Subsequently Baslingamma and Sangameshwar represented to the President, City Municipality to decide the case with reference to file No. 72/17 of 1359 Fasli and after hearing their arguments. On this the President City Municipality endorsed on 30 11 1954 that at two different occasions both the parties were informed that whoever brings a decree of ownership from the Court will be accepted as owner, but none of them has done so. He, therefore, advised the Executive Officer to consider the case in the light of his observations. The Executive Officer endorsed on 20 12 1954 that he had decided the case and the parties have been informed and ordered to close the case.

Basiligama and Math Sargareahwar dissatisfied with the above decision filed an appeal in the Collectorate Raichur. The P.A. to the Collector after hearing the arguments endorsed on 12.5.1955 that without getting decree of ownership from the Civil Court in his favour as directed to him in the previous cases the respondent has once again applied for permission of construction of a wall, on the disputed property. The lower court has erred in not taking into account the decision taken in the previous cases. The issue which has been decided more than once previously cannot be ignored in this manner, both the parties were refused permission for construction on the disputed property previously and were directed to get their ownership decided in the Civil Court. The P.A. to the Collector added that permission for construction should not be given unless the party seeking permission has a decree of ownership from the Court in his favour. He thus allowed the appeal.

Mathda Chan Basayya dissatisfied with the above judgment has approached the Government in revision on the following main grounds -

1. That the petitioner had sought permission to construct the wall on the old foundation and the Municipality or being satisfied as to the genuineness of the application had granted it. The learned Collector without reference to the merits of the case reversed the order in appeal on grounds which were void in law. The appeal itself was time-barred.

2. That the learned Collector has wrongly assumed that the matter was concluded by the previous judgment of Collector. In fact petitioner's prayer for establishing flour mill was rejected by the Talukdar of Raichur on 14th Jul 1959 P.S. The petitioner aggrieved by it approached the CA who after reviewing all the records had granted the permission on certain conditions. Thus the order of Talukdar referred to by the learned Collector in his appellate judgment had already lost the force of res judicata. Respondents had appealed against this order of Civil Administrator to Ministry of Commerce and Industry but failed.

3. That in another connected matter regarding the same house respondents' objections were over-ruled by the learned Collector and the same order was upheld by the Hon'ble Minister for Local Self Government. In that case respondents were directed to file a civil suit. This aspect

was completely ignored by the lower court

That questions of title has nothing to do with the permission for construction.

It is there ore, prayed that revision petition be allowed, Collector's order be set aside and that of the original court be restored

The case was submitted Minister, Local government heard it and delivered the following judgment

JUDGMENT

I have heard the learned Advocates for the parties. The facts necessary for the disposal of this case are that the petitioner filed an application seeking permission to construct a wall on the land in dispute. The Executive Officer of the City Municipality, Raichur, after hearing the parties directed the objection petitioner, i.e. the respondent, to obtain a civil court decree within two months' time and postponed the question of granting permission. Aggrieved by this order of the Executive Officer, the respondent went in appeal before the Collector. The Collector through his order dated 12th Mar 1955 decided that when the question of title is challenged and inasmuch as on two previous occasions both the parties were directed to get a declaratory decree in their favour, it will not be correct to direct one particular party to go to Civil Court. He, therefore, directed the petitioner to approach the Civil Court in order to get his title decided finally. Not satisfied with this order of the Collector, the petitioner has come before me in revision. The main contention advanced before me is that the nature of construction materially differs and therefore the two previous orders cannot be said to be a bar for granting him the permission. The present petition should, therefore, be considered on merits and as there is a prima facie case regarding the petitioner's title he should be permitted to construct the wall on the land in question. I am sorry, I cannot agree with this contention. I have gone through the previous orders passed by the Minister and the Collector. In both these orders, both the parties were directed to approach the Civil Court in order to get their title finally decided. Though the first case related to the construction of a gate and the other related to the erection of a flour mill, it hardly makes any difference as far as the question of title is concerned. In all the three cases the substantial question is of title of the parties in relation to the land in dispute. There is, therefore, no reason to permit the petitioner merely because

another type of construction is now sought. The Executive Officer who passed the original order had no jurisdiction to pass such order. It is evident from the record that the President of the City Municipality, Raichur, did not hear the parties nor confirmed the order. The appeal, therefore, against the order passed by the Executive Officer who was not competent becomes superfluous. Having declared both the orders of the Collector and the Executive Officer as invalid, the only course which was normally left was to send back the case to the City Municipality, Raichur for disposal. I was very much inclined to do so, but for the two previous orders which clearly indicate that the parties should get their titles decided finally by the Civil Court, I do not think any useful purpose will be served in remitting the case to the City Municipality. The parties should, therefore, be directed as in the previous cases, to get their title decided in the Civil Court. The Municipality can consider the application from any of the parties for construction only after the main question of title is decided by a competent court of law. I, therefore, allow the revision petition, set aside the orders of both the offices below and decide as above.

S/-

(Gopal Rao Fkbote)
Minister for Local Government

/ A T T E S T E D /

[Signature]
18/10/56

(CHA YAI AO)
ASSISTANT SECRETARY,
Local Government Department. *[Signature]*

YM 161056

[Signature]
18/10/56

GOVERNMENT OF HYDERABAD

No 9/24/55/6251 Dated 27/10/1956

FROM Collector's Office(L.G. Section),
Raichur

To

The Secretary to Government,
Local Government Department,
Hyderabad Deccan

SUBJECT — fathada Chan Basayya V/s Baslingamma and
others regarding construction of House
===

R3
14/1

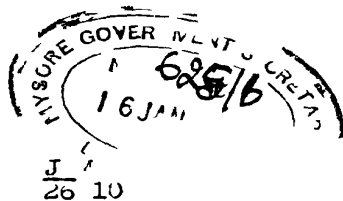
37/25/5557

SIR

With reference to your letter No 7737 dated
18-10-'56, I have to acknowledge the receipt of this
office file No 9/24/1955

Yours faithfully,

Local Govt, Assistant



[Signature]
26/10/56

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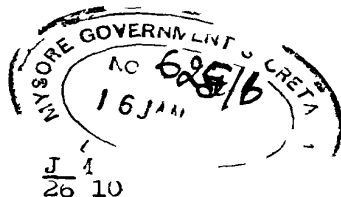
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